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9 Attorney for Plaintiffs

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF MONTANA**
12 **GREAT FALLS DIVISION**

13 LENORE STIFFARM,) CV
14)
15 Plaintiff,)
16 vs.)
17) **COMPLAINT**
18 UNITED STATES OF AMERICA,)
19)
20 Defendant.)
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Plaintiff alleges as follows:

1. Plaintiff Lenore Stiffarm is an enrolled member of the Gros Ventre tribe, a citizen of the State of Montana, and a resident of Blaine County, Montana.
2. This Court has jurisdiction over this cause of action pursuant to the Federal

1 Tort Claims Act, 28 U.S.C. 2671, *et seq.*, because the claim arises from
2 conduct of federal government agents and Plaintiff has exhausted
3 administrative remedies.
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5 3. This Court has exclusive jurisdiction over tort claims brought against the
6 United States pursuant to 28 U.S.C. § 1346(b).
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8 4. Plaintiff filed Federal Tort Claim Act claims on April 14, 2015, and the
9 Department of Health and Human Services received the claims on April 16,
10 2015. The government has not acted on the claims, therefore Plaintiff's
11 claims are now ripe for adjudication.
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13 5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(e) and 1402(b).
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15 6. On April 12, 2013, Lenore Stiffarm presented to the Ft. Belknap IHS clinic
16 complaining of sinus pain and pain around her teeth. Nothing was noted by
17 IHS health care providers.
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19 7. On August 7, 2013, Lenore Stiffarm had a periodontal exam at the IHS
20 dental clinic and reported pain in her teeth and jaw. Nothing was noted by
21 IHS health care providers.
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23 8. Lenore Stiffarm presented to the Ft. Belknap emergency department on
24 August 12, 2013 because she was experiencing sinus pressure and pain and
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1 pressure on her teeth. She was prescribed doxycycline for presumed
2 sinusitis.

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4 9. Lenore Stiffarm returned to the Ft. Belknap emergency department on
5 November 14, 2013 because her mouth, particularly at tooth #9, was
6 tender. She was prescribed doxycycline for a presumed dental infection.
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8 10. Lenore Stiffarm returned to the Ft. Belknap emergency department on
9 December 27, 2013 because her mouth, particularly at tooth #9, was
10 tender. IHS health care providers prescribed doxycycline for a presumed
11 infection.
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14 11. On April 28, 2014 IHS health care providers referred Lenore Stiffarm for oral
15 surgery.
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17 12. On May 1, 2014 Lenore Stiffarm underwent oral surgery on her anterior
18 maxilla and received a bone graft in Billings.
19

20 13. On May 14, 2014 Lenore Stiffarm presented to the IHS. IHS health care
21 providers prescribed antibiotics for a bacterial infection of her jaw.
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23 14. On July 1, 2014 Lenore Stiffarm presented to the HIS because the bone
24 graft are on her jaw was swelling. IHS health care providers prescribed
25 antibiotics.
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1 15. On July 26, 2014 Lenore Stiffarm returned to Billings for a follow-up visit
2 with her oral surgeon.

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4 16. Lenore Stiffarm continues to have pain and complications related to the
5 condition of her jaw and teeth.

6
7 17. Health care providers at the Ft. Belknap Health Center violated the
8 standard of care from April of 2013 through May of 2014 when they failed
9 diagnose Lenore Stiffarm's medical condition. This failure caused Lenore
10 Stiffarm's condition to deteriorate.

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13 18. IHS health care providers were negligent and violated the standard of care
14 in failing to properly assess and properly treat Lenore Stiffarm's condition
15 upon her presentations to the IHS from April of 2013 through May of 2014.
16 The failure to assess and treat Lenore Stiffarm in a timely manner caused
17 her condition to deteriorate.

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20 19. As a direct and proximate result of each of the acts and omissions of the
21 IHS and IHS health care providers alleged in this Complaint, Lenore Stiffarm
22 suffered severe and painful injuries and has required numerous follow-up
23 procedures to treat her teeth and jaw.
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1 **WHEREFORE**, Plaintiff demands judgment against the Defendant as follows:

- 2 1. For judgment in such amounts as shall be proven at the time of trial.
- 3
- 4 2. For an award of attorney's fees and costs as provided by any
- 5 applicable provision of law.
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- 7 3. For such other and further relief as the Court deems just and
- 8 equitable.
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10 DATED this 4th day of April, 2016.

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12 /s/ Timothy M. Bechtold
13 BECHTOLD LAW FIRM, PLLC

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